

# **Town Board Minutes**

## **Meeting No. 5**

### ***Regular Meeting***

**February 24, 1997**

MEETINGS TO DATE 5  
NO. OF REGULARS 4  
NO. OF SPECIALS 1

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LANCASTER, NEW YORK  
FEBRUARY 24, 1997

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 24th day of February 1997 at 8:00 P.M. and there were

**PRESENT:** DONALD KWAK, COUNCIL MEMBER  
JOHN MILLER, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** ROBERT THILL, TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
ROBERT LANEY, BUILDING INSPECTOR  
JOHANNA COLEMAN, RECEIVER OF TAXES

**PERSONS ADDRESSING TOWN BOARD:**

**Gull, Henry**, 710 Pavement Road, spoke to the Town Board on the following matters:

1. Lighting at the Tops Distribution Center
2. Noise at the Tops Distribution Center

**Heckle, Robert**, 706 Pavement Road, spoke to the Town Board on the following matter:

Requested explanation of any proposed suspended resolutions.

**Sanger, David**, 72 Nichter Road, spoke to the Town Board on the following matter:

Present status of O'Neil Rezone petition.

**Juszczak, Joseph**, 600 Pleasant View Drive, spoke to the Town Board on the following matter:

Sidewalks and guard rails over culverts in Traceway Subdivision and Stony Brook South Subdivision.

**Gray, Madeline**, 2 Grafton Court, spoke to the Town Board on the following matter:

Lack of sidewalks on Broadway at Grafton Court.

**Schneggenburger, Roy**, spoke to the Town Board on the following matters:

1. Questioned issuance of building permit for 82 Stony Road.
2. Ellicott Creek flooding of Pleasant View Drive.

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed Local Law of the Year 1997 entitled "Communication Towers" and further designated as Article VII-A of Chapter 50, Zoning, Sections 50-41.1 to 50-41.12 of the Code of the Town of Lancaster.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

<b>PROPOSERS</b>	<b>ADDRESS</b>
None	
<b>OPPOSERS</b>	<b>ADDRESS</b>
None	
<b>COMMENTS &amp; QUESTIONS</b>	<b>ADDRESS</b>
Nicholas Mueller	5645 Genesee Street
Frank DeCarlo	6 Hill Valley Drive

ON MOTION BY COUNCIL MEMBER STEMPNIAK, AND SECONDED BY COUNCIL MEMBER MILLER AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 9:00 P.M.

**PUBLIC HEARING SCHEDULED FOR 8:45 P.M.:**

At 9:00 P.M., the Town Board held a Public Hearing to hear all interested persons upon amendments to Section 7-2(e) and (f) of Chapter 7, entitled "Bingo", of the Code of the Town of Lancaster, Erie County, New York.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

<b>PROPOSERS</b>	<b>ADDRESS</b>
None	
<b>OPPOSERS</b>	<b>ADDRESS</b>
None	
<b>COMMENTS &amp; QUESTIONS</b>	<b>ADDRESS</b>
Roy Schneggenburger	87 Stony Road

ON MOTION BY COUNCIL MEMBER STEMPNIAK, AND SECONDED BY COUNCIL MEMBER MILLER AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 9:05 P.M.

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPNIAK TO WIT:

**RESOLVED**, that the minutes from the Regular Meeting of the Town Board  
held on February 3, 1997 be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 24, 1997

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MILLER, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER KWAK, TO WIT:

**WHEREAS**, the Bowmansville Volunteer Fire Association, Inc., by letter dated February 10, 1997, has requested the addition of a probationary limited active member to the membership roster of said fire association and by same letter has requested the deletion of certain members from the membership roster of said fire association,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms the addition to and deletions from the membership of the Bowmansville Volunteer Fire Association, Inc. of the following individuals:

**ADDITION**

Jon Walterich  
57 Markey  
Lancaster, New York 14086

**DELETIONS**

Anthony Martino	Timothy Norek
Kenneth Kotowski	Samuel J. Magistrale, Jr
Christopher Muhitch	John Zimmerman
Scott Metzinger	

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 24, 1997

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL MEMBER  
MILLER, TO WIT:

**WHEREAS**, by resolution adopted by the Town Board on April 15, 1996,  
the salary of John Smith, a Construction Inspector in the Engineering Department, was set at  
\$29,350.00 for the year 1996 with the understanding that his salary would be brought up to  
\$31,837.00 for the year 1997, and

**WHEREAS**, the CSEA White Collar Unit, by Memorandum of Agreement  
dated February 12, 1997, has agreed to this increase in salary,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the salary for **JOHN D. SMITH** for the year 1997, be and  
is hereby set at \$31,837.00 retroactive to January 1, 1997, and

**BE IT FURTHER**

**RESOLVED**, that said salary will be further adjusted when the CSEA White  
Collar Unit contract has been ratified for white collar workers.

The question of the adoption of the following resolution was duly put to a  
vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 24, 1997

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA. WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL MEMBER  
MONTOUR , TO WIT:

**WHEREAS**, the Lighting Committee of the Town Board of the Town of Lancaster has requested, and the New York State Electric and Gas Corporation has submitted a proposal dated February 12, 1997, for the installation and removal of street lighting on William Street and Penora Street within Consolidated Lighting District No. 1 of the Town of Lancaster, and

**WHEREAS**, the said Lighting Committee, after investigation, review and consideration has recommended acceptance of this proposal.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the New York State Electric and Gas Corporation be and is hereby authorized to make the following installation and removal on William Street and Penora Street:

**William Street and Penora Street**

Install 1 - 14400 Lumen 150 Watt High Pressure Sodium  
Luminaries @ \$157.79 each

Remove 1 - 7000 Lumen 175 Watt Mercury Vapor  
Luminaries @ \$142.59 each

**TOTAL ANNUAL INCREASE - \$15.20**

and,

**BE IT FURTHER**

**RESOLVED**, that this proposal is made contingent upon the terms and conditions covered in New York State Electric and Gas Corporation's Street Lighting Tariff Agreement with the Town of Lancaster, District No. 1.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 24, 1997

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MILLER , WHO MOVED  
ITS ADOPTION,       SECONDED BY COUNCIL  
MEMBER STEMPNIAK       , TO WIT:

**WHEREAS**, the State of New York Division of Criminal Justice Services  
(DCJS) has, by letter dated January 10, 1997, submitted a proposed Grant Award Agreement  
between said DCJS and the Town of Lancaster, for Lap Top Computers for the use of the  
Lancaster Town Police Department, and

**WHEREAS**, the Town Board of the Town of Lancaster has reviewed said  
proposed Agreement:

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby  
authorized and directed to execute the proposed Grant Award Agreement between the State of  
New York Division of Criminal Justice Services and the Town of Lancaster, for Lap Top  
Computers for use of the Lancaster Town Police Department, which Agreement was submitted  
to the Town of Lancaster by letter dated January 10, 1997.

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 24, 1997

File: racmptr.297



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL MEMBER  
MILLER, TO WIT:

**WHEREAS**, the Town of Lancaster has previously negotiated a Lease with the Lancaster New York Historical Society, a duly chartered not-for-profit educational corporation under the laws of New York, for the leasing of the Fanny Potter Eaton Home, a Town-owned building, located on Clark Street in the Village of Lancaster, and

**WHEREAS**, said Lease has expired according to its terms on December 31, 1996, and

**WHEREAS**, the Historical Society desires to continue to use said leased premises as the Town of Lancaster Historical Museum, and

**WHEREAS**, it is the intention of the Town Board of the Town of Lancaster, on behalf of the Town of Lancaster to jointly maintain said historical edifice for public use with the Historical Society;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor be and is hereby authorized and directed to execute a lease with the Lancaster New York Historical Society leasing the Fanny Potter Eaton Home on Clark Street in the Village of Lancaster for use as the Town of Lancaster historical Museum for a term commencing January 1, 1997 and terminating December 31, 2001, and further subject to the terms and conditions contained therein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 24, 1997

File: rlsmus.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Public Employer Risk Management Association, Inc.,  
(PERMA) has submitted a proposed Workers' Compensation Program Agreement to the Town  
of Lancaster, for the purpose of providing a risk management workers' compensation service  
program and statutory workers' compensation benefits for its employees, and

**WHEREAS**, the Town Board has reviewed said Agreement and has no objection  
thereto;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby  
authorized and directed to executed the Public Employer Risk Management Association  
Workers' Compensation Program Agreement, thereby providing a risk management worker's  
compensation service program and statutory workers' compensation benefits for employees of  
the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 24, 1997

File: rperma

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR , TO WIT:

**WHEREAS**, the Town of Lancaster has heretofore provided a Nutrition Program  
Congregate Dining Site for the Elderly, and

**WHEREAS**, it is necessary to execute an Agreement between the Town of  
Lancaster and the County of Erie for the extension of this program in 1997;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That the Supervisor be and is hereby authorized to execute an Agreement  
between the Town of Lancaster and the County of Erie for the operation of a Nutrition Program  
Congregate Dining Site for the Elderly for the year 1997; and

2. That the Director of Administration and Finance be and is hereby  
authorized to sign vouchers with funds to be received by the Supervisor.

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 24, 1997

File: nutrit.297

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK , WHO MOVED  
ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MILLER , TO WIT:

**WHEREAS**, the Crew Chief of the Department of Parks, Senior Facility, and Buildings and Grounds of the Town of Lancaster has requested the Town Board to advertise for bids to furnish Two (2) New 1997 SCAG STHM TRACTOR REAR STEER 72" RIDING LAWN MOWERS for use by said Department, and

**WHEREAS**, the Recreation Committee of the Town Board has approved such request, and

**WHEREAS**, a resolution was adopted February 3, 1997, authorizing the Notice to Bidders, which resolution incorrectly stated the number of lawn mowers to be purchased, and

**WHEREAS**, it is necessary to rescind the February 3, 1997 resolution authorizing the Notice to Bidders for the purchase of this equipment and authorize a new Notice to Bidders:

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. The Town Board resolution dated February 3, 1997, authorizing the Notice to Bidders for the purchase of One (1) Riding Lawn Mower be and is hereby rescinded;
2. That Notice to Bidders, in form attached hereto and made a part hereof , be published in the Lancaster Bee and posted according to Law, that the Town will receive bids up to 10:00 o'clock A.M., Local Time, on March 10, 1997, at the Town Hall, 21 Central Avenue, Lancaster, New York, for the furnishing of Two (2) New 1997 SCAG STHM TRACTOR REAR STEER 72" RIDING LAWN MOWERS for use by the Department of Parks, Senior Facility, and Buildings and Grounds of the Town of Lancaster in accordance with specifications on file in the office of the Town Clerk.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Notice to Bidders, in form attached hereto and made a part hereof, be published in the Lancaster Bee and posted according to Law, that the Town will receive bids up to 10:00 o'clock A.M. Local Time, on March 10, 1997, at the Town Hall, 21 Central Avenue, Lancaster, New York, for the furnishing of Two (2) New 1997 SCAG STHM TRACTOR REAR STEER 72" RIDING LAWN MOWERS for use by the Department of Parks, Senior Facility and Buildings and Grounds of the Town of Lancaster, in accordance with specifications on file in the office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 24, 1997

**LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE TO BIDDERS**

**NOTICE IS HEREBY GIVEN** that sealed bids and/or proposals will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, at the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 A.M., Local Time, on the 10th day of March, 1997, for furnishing to the Department of Parks, Senior Facility and Buildings and Grounds of the Town of Lancaster, New York, Two (2) New 1997 SCAG STHM TRACTOR REAR STEER 72" RIDING LAWN MOWERS for use by the Department of Parks, Senior Facility and Buildings and Grounds of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's Office, 21 Central Avenue, Lancaster, New York.

A certified check or bid bond in an amount representing five (5) per cent of the "Gross Bid" payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Town reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: ROBERT P. THILL  
Town Clerk**

February 24, 1997

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, a Public Hearing was held on the 24th day of February, 1997, for the purpose of amending Section 7-2 (E) and (F) of Chapter 7, "Bingo" of the Code of the Town of Lancaster, and persons for and against such amendment have had an opportunity to be heard, and

**WHEREAS**, a Notice of Public Hearing was duly published and posted, and

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Section 7-2 (E) and (F) of Chapter 7, "Bingo" of the Code of the Town of Lancaster be and is hereby amended to read as follows:

**CHAPTER 7 - BINGO**

**§7-2. Regulations.**

.....

**E.** No prize shall exceed the sum or value of two hundred fifty dollars (\$250.) in any single game of bingo, shall be amended to read as follows:

**"E.** No prize shall exceed the sum or value of one thousand dollars (\$1,000.) In any single game of bingo."

**F.** No series of prizes on any one (1) bingo occasion shall aggregate more than one thousand dollars (\$1,000.), shall be amended to read as follows:

**"F.** No series of prizes on any one (1) bingo occasion shall aggregate more than three thousand dollars (\$3,000.)."

.....

and

**BE IT FURTHER**

**RESOLVED**, as follows:

**1.** That said Amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster, held on the 24th day of February, 1997;

**2.** That a certified copy thereof be published in the Lancaster Bee on February 27, 1997;

**3.** That a certified copy of this Amendment be posted on the Town Bulletin Board; and

4. That Affidavits of Publication and Posting be filed with the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 24, 1997

File: rbngorda



**LEGAL NOTICE  
NOTICE OF ADOPTION  
AMENDMENT OF CHAPTER 7, BINGO  
OF CODE OF TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN** that Section 7-2 (E) and (F), of Chapter 7, entitled "Bingo", of the Code of the Town of Lancaster, Erie County, New York, be and is hereby amended to read as follows:

**CHAPTER 7 - BINGO**

**§7-2 Regulations.**

.....

**E.** No prize shall exceed the sum or value of two hundred fifty dollars (\$250.) in any single game of bingo, shall be amended to read as follows:

**"E.** No prize shall exceed the sum or value of one thousand dollars (\$1,000.) in any single game of bingo."

**and**

**F.** No series of prizes on any one (1) bingo occasion shall aggregate more than one thousand dollars (\$1,000.), shall be amended to read as follows:

**"F.** No series of prizes on any one (1) bingo occasion shall aggregate more than three thousand dollars (\$3,000.)"

.....

February 24, 1997

STATE OF NEW YORK     )  
COUNTY OF ERIE        )     ss:  
TOWN OF LANCASTER    )

THIS IS TO CERTIFY, that I, ROBERT P. THILL, Town Clerk of the Town of Lancaster, in the said County of Erie, have compared the foregoing copy of **Legal Notice of Amendment to Bingo Ordinance** of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 24th day of February, 1997, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 25th day of February, 1997.

  
\_\_\_\_\_  
Robert P. Thill, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA. WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL MEMBER  
STEMPNIAK TO WIT:

**WHEREAS, CARON GARCIA**, a Building and Zoning Clerk in the  
Building Inspector's Department, by letter dated February 18, 1997, has requested permission to  
carry over her 14 hours vacation time accrued which she cannot take by her anniversary date of  
1997 due to reasons cited in her letter, and

**WHEREAS**, the Town of Lancaster White Collar Unit of Local 815 has  
indicated no objections to the granting of this request.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that **CARON L. GARCIA**, a Building and Zoning Clerk in  
the Building Inspector's Department, shall be permitted to carry over her fourteen (14) hours  
1996 vacation time to her 1997 year of service with the Town of Lancaster.

The question of the adoption of the following resolution was duly put to a  
vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 24, 1997

FILE: RPERS.VAC (P4)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL MEMBER  
KWAK, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby  
ordered paid from their respective accounts:

Claim No. 12383 to Claim No. 12667 Inclusive

Total amount hereby authorized to be paid: **\$840,015.64**

The question of the foregoing resolution was duly put to a vote on roll call which  
resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 24, 1997

THE FOLLOWING RESOLUTION WAS OFFERED  
BY, SUPERVISOR GIZA, WHO MOVED  
ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER KWAK, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has heretofore retained Abate Engineering Associates, P.C., to prepare plans and specifications and provide engineering services for the Town Hall and Opera House Roof Replacement and Truss Repair, which facility is located at 21 Central Avenue in the Town of Lancaster, New York, and

**WHEREAS**, plans and specifications have been filed with the Town Clerk, and

**WHEREAS**, the Town Board of the Town of Lancaster, after review of the plans and specifications, desires to advertise for public bids pursuant to the requirements of Section 103 of the General Municipal Law;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Sealed Bids for the Town Hall and Opera House Roof Replacement and Truss Repair, which facility is located at 21 Central Avenue in the Town of Lancaster, Erie County, New York, will be received by the Town Clerk or his designee at his office in the Town Hall, 21 Central Avenue, Lancaster, New York 14086 at 10:00 A.M. Local Time, on the 13th day of March, 1997, and that a Notice to Bidders shall be published in the Lancaster Bee on February 27, 1997 which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 24, 1997

File: rnbdrth

**TOWN HALL AND OPERA HOUSE  
ROOF REPLACEMENT, VENTILATION, AND MISCELLANEOUS REPAIRS**

**LEGAL NOTICE  
NOTICE TO BIDDERS  
TOWN OF LANCASTER**

NOTICE IS HEREBY GIVEN that, pursuant to a resolution of the Town Board of the Town of Lancaster, Erie County, New York, separate sealed proposals for Roof Replacement, General Construction, Mechanical Construction, and Electrical Construction work will be received, publicly opened and read aloud by the Town Clerk or designated representative of the Town of Lancaster on the 13th day of March, 1997, at 10:00 A.M. Local Time, in the Town Hall, 21 Central Avenue, Lancaster, New York, for the Town Hall and Opera House, Roof Replacement, Ventilation and Miscellaneous Repairs.

All the proposals will be received in accordance with the Contract Documents and specifications prepared by Abate Engineering Associates, P.C., for the Town of Lancaster. A copy of which is on file with the Town Engineer at his office in the Town Highway Department, Town of Lancaster, 525 Pavement Road, Lancaster, New York, where the same may be examined during their usual business hours.

Copies of the Contract Documents required for review or bidding purposes may be obtained at the offices of Abate Engineering Associates, P.C., 4455 Genesee Street, Buffalo, New York, upon deposit of \$25.00 for each set of documents so obtained. The full amount of the deposit for one set of documents and one-half of the deposit for any additional sets of documents will be refunded to each bidder who submits a formal proposal to the Town of Lancaster, and who also returns the documents in good condition to the Engineer within thirty (30) days after bid security has been returned to him. Equipment manufacturers, contractors, subcontractors and others who do not submit formal proposals to the Town will be refunded one-half the amount of the deposit for all sets of complete documents returned in good condition to the Engineer within thirty (30) days after the opening of bids. No refund will be made for documents received after this thirty (30) day period.

Each proposal must be accompanied by cash, a certified check payable to the Town of Lancaster, or bid bond having as surety thereon a surety company acceptable to the Town Attorney, in an amount not less than five percent (5%) of the amount of the base bid, conditioned that, if his proposal is accepted, he will enter into a contract for the same, and that he will execute any such further security as may be required for the faithful performance of the contract.

All bids shall be submitted in sealed envelopes addressed to the Town of Lancaster and shall be plainly marked on the outside with the Contractor's name and Contract to which his bid is applicable.

The minimum wage rates to be paid to construction workers engaged in the construction of this project shall be the latest wage rates established by the State Industrial Commissioner.

The Owner reserves the right to reject any or all bids for failure to comply with the requirements of Contract Documents and may, at its discretion, waive any informalities or irregularities.

The Owner further reserves the right to reject any or all bids or to award a contract which, in its judgement, is in the best interest of the Owner.

The Owner further reserves the right to determine the low bidder(s) in accordance with the section of the specification entitled, "Information for Bidders."

No Bidder may withdraw his bid within forty-five (45) days after the opening thereof, but may withdraw same at any time prior to the scheduled time for the opening of bids.

A non-collusive bidding certificate must accompany each bid.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

BY: Robert P. Thill  
Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS, GEORGE STEPHEN**, 130 Maple Drive, Bowmansville, New York 14026, has previously had a subdivision map cover approved by the Town Board of the Town of Lancaster by resolution on November 15, 1993, for the subdivision known as Stony Brook South Subdivision, and

**WHEREAS**, the developer has now advised the Town Board that he has found it necessary to file an amended map cover in order that the map cover matches the field surveys for the sublots, and

**WHEREAS**, the Town Board has reviewed the request of the developer and takes no exception thereto;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That the Town Board of the Town of Lancaster hereby approves the amended map cover for Stony Brook South Subdivision as filed by George Stephan;
2. That the Town Clerk of the Town of Lancaster be and is hereby directed to properly endorse the approval of the Town Board of the Town of Lancaster on the linen copy thereof which will be filed in the Erie County Clerk's Office by the developer; and
3. That the developer provide a stamped copy of the filed amended map cover to the Town Clerk after filing in the Erie County Clerk's Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 24, 1997

File: rastnybk

**PREFILED RESOLUTION NO. 15 - MEETING OF 2/24/97**

13. Stempniak/\_\_\_\_\_ Amend Zoning Ordinance Re: Map Change Petition George  
O'Neil N/S Of Nichter Road East Of Cemetery Road West Of  
Pavement Road

At the request of Council Member Stempniak, this resolution was withdrawn for  
further study.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER, TO WIT:

**RESOLVED**, that the following Building Permit Applications be and are hereby approved and the issuance of these Building Permits be and are hereby authorized:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

<u>No.</u>	<u>Code</u>	<u>Applicant</u>	<u>Street Address</u>	<u>Structure</u>
3958	SW	Stylecraft Homes Inc	1376 Townline Rd	Er. Sin. Dwlg
3959		Mr/Mrs Mark Boland	41 Whitestone Ln	Er. Fence
3960		Donato Developers Inc	7 Cobblestone Ct	Er. Sin. Dwlg
3961		Donato Developers Inc	5 Cobblestone Ct	Er. Sin. Dwlg
3962		Sprint Spectrum	Hayes Ave (Paper St)	Er. Tower/Communication Facility
3963		John Kolodziejski	342 Harris Hill Rd	Er. Temp Sign
3964		Capretto Bros	310 Enchanted Fst N	Er. Sin. Dwlg
3965		Burke Bros Const Inc	11 Clermont Ct	Er. Sin. Dwlg
3966		TABLED [See 1st Resolve]		
3967		Forbes/Heartland Homes	144 Siebert Rd	Er. Sin. Dwlg
3968		Sweet Success Fundraising Transit/French Plaza		Er. Temp. Sign
3969		Rick Skrabski	228 Broezel Ave	Er. Shed

and,

**BE IT FURTHER**

**RESOLVED**, that Building Permit Application No. 3966 applied for by Martin Loecher to erect a single dwelling on premises situate on 82 Stony Road be and is hereby tabled for further study, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and



**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 24, 1997

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED:

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA , WHO MOVED  
ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR , TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster desires to afford eligible veterans the maximum exemption permitted by State Law and deems it fair and equitable to increase the "cap" on the assessed home value to \$120,000., and

**WHEREAS**, the Town Board of the Town of Lancaster has held at Public Hearing on February 3, 1997 on the proposed increase of the home value "cap" from \$80,000.00 to \$120,000 for purposes of determining Veterans Exemptions under the Real Property Tax Law §458-a, said increase to be effective in the preparation of the next occurring tax roll prepared by the Town Assessor;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That the Town Board of the Town of Lancaster hereby approves the increase of the home value "cap" from \$80,000.00 to \$120,000.00 for purposes of determining Veterans Exemptions under the RPTL §458-a, which increase will be effective in the preparation of the next occurring tax roll prepared by the Town Assessor;

2. A Notice of the Increase of Home Value "Cap" for Veterans Exemptions shall be published in the Lancaster Bee on February 27, 1997.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 24, 1997

File: ravetex

**LEGAL NOTICE  
NOTICE OF ADOPTION  
INCREASE IN VETERANS EXEMPTIONS  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN** , that the Town Board of the Town of Lancaster, at its meeting held February 24, 1997, adopted a resolution approving the increase of the home value "cap" from \$80,000.00 to \$120,000.00 for purposes of determining Veterans Exemptions under Real Property Tax Law §458-a, which increase shall be effective in the preparation of the next occurring tax roll prepared by the Town Assessor.

**BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF LANCASTER**

**ROBERT P. THILL**  
Town Clerk

February 24, 1997

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution:  
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA , WHO MOVED  
ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR , TO WIT:

**WHEREAS**, §467 of the Real Property Tax Law of the State of New York has been amended to authorize exemption from real property taxation on a graduated scale for Senior Citizens sixty-five (65) years of with a total income of less than \$18,500.00 to a total not exceeding \$26,900.00, and

**WHEREAS**, the increase in income eligibility for Town Taxes will place no particular burden on the taxpaying public, but will materially improve the economic ability of our senior citizens in coping with the ravages of inflation while living on a fixed retirement income in their declining years, and

**WHEREAS**, the Town Board deems it in the public interest to adopt and enact said exemption from real property taxation on said graduated scale;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby adopts and enacts the following Senior Citizen Tax Exemption:

**SENIOR CITIZENS TAX EXEMPTION**

**1. Exemption granted.**

Real property owned by one (1) or more persons, each of whom is sixty-five (65) years of age or over, or real property owned by husband and wife, one (1) of whom is sixty-five (65) years of age or over, shall be exempt from taxation by the Town of Lancaster to the extent as provided in the following schedule:

**ANNUAL INCOME**

**PERCENTAGE ASSESSED  
VALUATION EXEMPT FROM  
TAXATION**

Less than \$18,500.	50 per centum
More than \$18,500. but Less than \$19,500.	45 per centum

More than \$19,500. but Less than \$20,500.	40 per centum
More than \$20,500. but Less than \$21,500.	35 per centum
More than \$21,500. but Less than \$22,400.	30 per centum
More than \$22,400. but Less than \$23,300.	25 per centum
More than \$23,300. but Less than \$24,200.	20 per centum
More than \$24,200. but Less than \$25,100.	15 per centum
More than \$25,100. but Less than \$26,000.	10 per centum
More than \$26,000. but Less than \$26,900.	5 per centum

2. **When effective:**

This Resolution shall be effective immediately.

and

**BE IT FURTHER,**

**RESOLVED**, that a Notice of the adoption of this real property exemption for Senior Citizens shall be published in the Lancaster Bee on February 27, 1997, in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 24, 1997

File: rasenex

**LEGAL NOTICE  
NOTICE OF ADOPTION  
AMENDMENT TO  
SENIOR CITIZENS EXEMPTIONS  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that the Town Board of the Town of Lancaster, at its meeting held February 24, 1997, adopted and enacted the following Senior Citizen Tax Exemption from real property taxation, in accordance with §467 of the Real Property Tax Law of the State of New York:

**SENIOR CITIZENS TAX EXEMPTION**

**1. Exemption granted.**

Real property owned by one (1) or more persons, each of whom is sixty-five (65) years of age or over, or real property owned by husband and wife, one (1) of whom is sixty-five (65) years of age or over, shall be exempt from taxation by the Town of Lancaster to the extent as provided in the following schedule:

<b><u>ANNUAL INCOME</u></b>	<b><u>PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION</u></b>
Less than \$18,500.	50 per centum
More than \$18,500. but Less than \$19,500.	45 per centum
More than \$19,500. but Less than \$20,500.	40 per centum
More than \$20,500. but Less than \$21,500.	35 per centum
More than \$21,500. but Less than \$22,400.	30 per centum
More than \$22,400. but Less than \$23,300.	25 per centum
More than \$23,300. but Less than \$24,200.	20 per centum
More than \$24,200. but Less than \$25,100.	15 per centum
More than \$25,100. but Less than \$26,000.	10 per centum
More than \$26,000. but Less than \$26,900.	5 per centum

**BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF LANCASTER**

**ROBERT P. THILL  
Town Clerk**

February 24, 1997

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution:  
**SUSPENSION GRANTED.**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL MEMBER  
MILLER, TO WIT:

**WHEREAS, Fleet Bank (FLEET)** is a designated depository of part of the funds of the Town of Lancaster, and

**WHEREAS,** as a designated FLEET has to agree to provide and pledge securities and collateral to secure the Towns funds deposited with it, and

**WHEREAS,** FLEET has submitted a proposed contract entitled "THIRD PARTY CUSTODIAN AGREEMENT", together with related documents, which sets forth FLEET'S obligations to secure the funds of the Town deposited with it, and

**WHEREAS,** the Town Board of the town of Lancaster determined that said Agreement and related documents should be made binding upon FLEET;

**NOW, THEREFORE, BE IT  
RESOLVED,** as follows:

1. The Supervisor is hereby authorized to execute on behalf of the Town, the **Third Party Custodian Agreement** and related documents submitted by Fleet Bank, and
2. Upon execution by all parties thereto, one original thereof shall be filed in the Town Clerk's office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 24, 1997

File: rcustagf

**COMMUNICATIONS:**

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91. Town Clerk to Supervisor -  
Monthly report for January 1997. DISPOSITION: Received and Filed
92. Town Clerk to Town Board -  
Comments re: Buffalo Crushed Stone site plan (R.J. Corman Company). DISPOSITION:  
Received and Filed. Town Attorney
93. Pratt & Huth Associates to Town Board -  
Transmittal of paper prints of amended final plat for Stony Brook South Subdivision for  
review and approval. DISPOSITION: Planning and Zoning Committee
94. Adelphia to Supervisor -  
Report of 1996 activities. DISPOSITION: Received and Filed
95. Depew/Elma/Lancaster Chamber of Commerce to Supervisor -  
Expression of appreciation for presentation. DISPOSITION: Received and Filed
96. Nixon, Hargrave, Devans & Doyle to Town Attorney -  
Transmittal of lease for execution re: UCN for execution. DISPOSITION: Received and  
Filed
97. ECDEP to Town -  
Transmittal of Income Eligibility schedule , effective 12/27/96, re: exchange in HUD  
low/moderate income limits. DISPOSITION: Received and Filed
98. Ecology & Environment, Inc. to Supervisor -  
Comments and transmittal of Professional Services Contract re: Bond Act.  
DISPOSITION: Received and Filed
99. Mark/Deborah Schmikons to Supervisor -  
Expression of appreciation for being allowed to express feelings on Marrano/Marc  
Equity rezone petition. DISPOSITION: Received and Filed
100. Bowmansville Vol Fire Association to Town Board -  
Request appoint of probationary member and deletion of members. DISPOSITION:  
Received and Filed
101. Planning Board to Town Board -  
Minutes of meeting of 2/5/97 - DISPOSITION: Received and Filed
102. Triton Valley Estates to Supervisor -  
Invitation to attend Home Show "97". DISPOSITION: Received and Filed
103. Planning Board to Town Board -  
Recommends denial of site plan for Schmitt's Garage. DISPOSITION: Received and  
Filed
104. Marilla Town Clerk to Lancaster Town Clerk -  
Transmittal of a notice of public hearing on proposed Local Law No. 4 of the Year 1997.  
DISPOSITION: Received and Filed
105. Marilla Town Clerk to Lancaster Town Clerk -  
Transmittal of a notice of a public hearing for proposed Local Law No. 1 and 3 of the  
Year 1997. DISPOSITION: Received and Filed
106. Association of Erie County Government to Town Board -  
Meeting Notice for 2/27/97. DISPOSITION: Received and Filed
107. EC Department of Health to Supervisor -  
Revised approval of completed works for Windsor Ridge, Phase III. DISPOSITION:  
Received and Filed
108. EC Department of Health to Supervisor -  
Approval of completed works for Water System Improvement - Phase I.  
DISPOSITION: Received and Filed
109. Northeast Lancaster Homeowners Assoc. to Planning Board Members -  
Concerns relating to site application of AHEPA 91, Inc. DISPOSITION: Planning and  
Zoning Committee

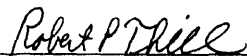


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110. NYSDEC to John Scherlein -  
Advisement re: AHEPA 91, Inc. as it pertains to the possibility of state and/or federal wetlands. DISPOSITION: Received and Filed
  111. Donald G. Symer to Town Board -  
Comments re: intended involvement of Lancaster Central School District with LIDA and possibly Town Planning Board. DISPOSITION: Received and Filed
  112. NYSEG to Town Board -  
Street lighting proposal for William/Penora Streets. DISPOSITION: Received and Filed
  113. Buffalo Crushed Stone, Inc. to Town Clerk -  
Comments re: seeking of Special Use Permit for a material storage yard on Harris Hill Rd. DISPOSITION: Planning and Zoning Committee, Town Attorney
  114. Caron Garcia to Town Attorney  
Request carryover of 1996 vacation time to 1997. DISPOSITION: Received and Filed
  115. CSEA White Collar Union Pres. to Town Board -  
Approval of request of Caron Garcia to carryover 1996 vacation time. DISPOSITION: Received and Filed
  116. Independent Health to Supervisor -  
Comments re: organization. DISPOSITION: Received and Filed
  117. Planning Board to Town Board -  
Recommend approval of Jiffy-Tite site plan. DISPOSITION: Received and Filed
  118. Planning Board to Town Board -  
Minutes from meeting held 2/19/97. DISPOSITION: Received and Filed
  119. Transmittal of approved PUWA Form re: relocation of water facilities on Transit Rd. between French Rd. and Broadway. DISPOSITION: Received and Filed
  120. Anonymous Taxpayer to Town Board -  
Concerns re: alleged County Sheriff's proposed installation and operation of firing range in Town and use of lead bullets. DISPOSITION: Received and Filed
  121. Police Chief to Anonymous Taxpayer -  
Assurance that there is no proposed installation and operation of firing range for the County Sheriff's Department in Town. DISPOSITION: Received and Filed
  122. Historian to Town Board -  
Annual report. DISPOSITION: Received and Filed
  123. Northwest Lancaster Homeowners Assoc. to Planning Board Members -  
Concerns re: site plan application of AHEPA 91, Inc. DISPOSITION: Received and Filed
  124. Lancaster YMCA to Town Board -  
Advertisement seeking volunteers for the phonathon to be held 2/25/97 at the M & T Bank. DISPOSITION: Received and Filed

**ADJOURNMENT:**

ON MOTION OF COUNCIL MEMBER MILLER, AND SECONDED BY THE  
ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 10:35 P.M.

Signed



Robert P. Thill, Town Clerk